Remarks:

Amendments to the claims:

Claims 1, 2, 9-14 and 19 are pending in this application. By this Amendment, claims 1, 2, 7-10, 12 and 19 are amended, and claims 3-8 and 15-18 are canceled. Claims 2 and 12 are amended to depend from claim 1.

No new matter is added to the application by this Amendment. The features add claims 1, 9 and 19 find support in canceled claims 3-8, 15 and 18 and claim 9, as originally filed, and within the specification, as originally filed, at, for example, paragraph [0046] of U.S. Patent Publication No. 2008/0242583 (hereinafter "the '583 publication") for the present application. Support for the new features added to claim 10 can be found in the Example Compositions 1-4 of the specification, as originally filed, at, for example, paragraphs [0060] and [0063]-[0074] of the '583 publication.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments:
(a) place the application in condition for allowance for the reasons discussed herein;
(b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments and reconsideration of the application are thus respectfully requested.

Regarding the rejection of claims 1-6, 9-12, 14 and 17-19 under 35 USC 103(a) as allegedly being unpatentable over U.S. Patent No. 5,527,486 to De Guertechin:

Applicants respectfully traverse the rejection of the foregoing claims in view of De Guertechin.

Prior to discussing the merits of the Examiner's position, the undersigned reminds the Examiner that the determination of obviousness under § 103(a) requires consideration of

the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). There must be some suggestion, teaching, or motivation arising from what the prior art would have taught a person of ordinary skill in the field of the invention to make the proposed changes to the reference. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). But see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000) A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); In re O'Farrell, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

The Patent Office acknowledges De Guertechin does not explicitly teach self-induced motility of a three component system in equilibrium and that all the claimed effects or

physical properties, such as self induced motility, are not positively stated by the reference. The Patent Office alleges that the reference teaches all of the claimed reagents, and their equilibrium states and that the claimed effects and physical properties would be achieved by a composition with all the claimed ingredients. Applicants respectfully disagree with the allegations of the Patent Office.

Nowhere does De Guertechin teach or suggest a cleaning composition comprising at least 96 percent by weight water, at least 2 percent by weight of an amphiphile selected from an ethylene glycol phenyl ether, 1-alkyl-2-pyrrolidone, a quaternary N-alkylaldonamide and a glycol ether, a surfactant and a hydrocarbon comprising isoparaffinic solvent, wherein the glycol ether is a compound of the formula $R^1O(RO)_n H$ in which R is a C_1-C_8 alkylene group, n is at least 1 and R^1 is a C_1-C_8 alkyl group, or is an optionally substituted aryl group, wherein the composition exhibits a self-induced motility, wherein the hydrocarbon has 5 or more carbon atoms and is present in an amount 0.05 to 0.5 percent by weight of the composition, and further wherein the surfactant is an alcohol ethoxylate as required by amended claim 1.

Moreover, De Guertechin does not teach or suggest a cleaning composition comprising at least 97 percent by weight water, at least 0.1 percent by weight hydrocarbon and at least 2.6 percent by weight amphiphile, wherein the hydrocarbon is isoparaffinic solvent, wherein amphiphile is ethylene glycol phenyl ether, and further wherein the cleaning composition exhibits Marangoni behaviour when exposed to air as required by amended claim 10.

De Guertechin also fails to teach or suggest a cleaning composition wherein the surfactant is present in an amount 0.03 to 0.05 percent by weight of the composition as required by amended dependent claim 9. In contrast, De Guertechin, at best, teaches surfactant present in the composition at a concentration of about 3.0 to about 8.0 wt. percent or at about 0.1 to about 6.0 weight percent of the composition (see col. 8, lines 32-40 of De Guertechin).

Because these features of independent claims 1 and 10-13 are not taught or suggested by De Guertechin, this reference would not have rendered the features of independent claims 1 and 10-13 and their dependent claims obvious to one of ordinary skill in the art.

In view of the foregoing, reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of claims 7 and 8 under 35 USC 103(a) as allegedly being unpatentably over De Gueterchin in view of U.S. Patent No. 5,646,105 to Hachmann et al. (hereinafter "Hachmann"):

Applicants' amendments to the claims are believed to render the instant grounds of rejection moot. Accordingly, reconsideration of the propriety of the rejection in view of De Gueterchin and Hachmann, and its withdrawal is respectfully requested.

Regarding the rejection of claim 13 under 35 USC 103(a) as allegedly being unpatentably over De Gueterchin in view of U.S. Patent No. 5,499,748 to Iaia et al. (hereinafter "Iaia"):

Applicants' amendments to the claims are believed to render the instant grounds of rejection moot. Accordingly, reconsideration of the propriety of the rejection in view of De Gueterchin and Iaia, and its withdrawal is respectfully requested.

Regarding the rejection of claim 15 under 35 USC 103(a) as allegedly being unpatentably over De Gueterchin in view of U.S. Patent No. 5,624,906 to Vermeer:

Applicants' amendments to the claims are believed to render the instant grounds of rejection moot. Accordingly, reconsideration of the propriety of the rejection in view of De Gueterchin and Vermeer, and its withdrawal is respectfully requested.

Regarding the rejection of claim 16 under 35 USC 103(a) as allegedly being unpatentably over De Gueterchin in view of U.S. Patent No. 5,644,041 to Johansson: Applicants' amendments to the claims are believed to render the instant grounds of rejection moot. Accordingly, reconsideration of the propriety of the rejection in view of De Gueterchin and Johansson, and its withdrawal is respectfully requested.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience.

The early issuance of a *Notice of Allowability* is solicited.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, (including but not limited to any extension of time fees) the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

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26 May 2009
Date:

CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper and all attachments thereto is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:

Allyson Ross 5-26-09

Allyson Ross Date:

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